

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

BUSHAWN SHELTON,

Defendant.

**MEMORANDUM AND  
ORDER**

18-cr-609 (RJD)

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DEARIE, District Judge:

In a lengthy submission, Defendant Bushawn Shelton seeks bail pending trial. The government opposes by letter dated April 13, 2020. The motion is denied.

This is a presumption case. The charges, which could not be more serious, Mr. Shelton's criminal history, and his post-arrest conduct are not in dispute and are adequately reflected in the parties' recent submissions. The defendant and others face potential capital offenses for which the proffered evidence appears, at this point, to be significant. A review of the statutory factors to be considered by the Court on the question of bail and other information before the Court do not favor release or overcome the presumptions triggered by the charges. With or without the statutory presumptions, Mr. Shelton presents an obvious risk of flight and clear and convincing evidence demonstrates that he remains a danger to the community.

Without question, the risks associated with the coronavirus are very real and, at a minimum, make counsel's job more challenging as she and others prepare critical submissions to the United States Attorney and the Department of Justice. Health concerns are obviously compounded in the close environment of a detention facility. The district judges and magistrate judges of this court and other courts are monitoring the BOP's efforts to address the risks to the inmate population and staff, in particular, the aggravated circumstances of certain detainees and

prisoners identified as medically at-risk. But Mr. Shelton is not one of them. An appropriate exercise of the Court's discretion and judgment does not permit his release.

Nor am I persuaded that the current situation infringes on Mr. Shelton's constitutional rights under the Sixth and Eighth Amendments, and more generally there is no compelling reason otherwise to grant the relief requested. In this truly unprecedented time, it is critical that counsel, the BOP, and the Department of Justice work together to ensure that the integrity of our collective work be protected so that we may in time ensure a sensible resolution of these long-standing charges.

SO ORDERED.

Dated: April 16, 2020  
Brooklyn, New York

/s/ Raymond J. Dearie  
Raymond J. Dearie  
United States District Judge